

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 996 of 2003

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

JEBUN VALISHA DIWAN

Versus

SHIVAJI RANCHHODJI THAKORE

Appearance:

1. Misc.Civil Application No. 996 of 2003
MR MTM HAKIM for Petitioner No. 1-7
RULE SERVED BY DS for Respondent No. 1-3
DS AFF.NOT FILED (R) for Respondent No. 4-6
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CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 08/05/2003

ORAL JUDGEMENT

1. By way of this application, the applicants have sought for transfer of Motor Accident Claims Petition No. 756 of 1991 pending before Motor Accident Claims Tribunal, Vadodara to Motor Accident Claims Tribunal, at Bharuch on the ground that at present the applicants are residing at Bharuch.

2. Learned counsel for the applicants submitted that Motor Accident Claim Petition No. 756 of 1991 filed by the applicants is pending before the Motor Accident Claims Tribunal, Vadodara. The applicants are residing at village of District Bharuch hence they are facing difficulties and inconvenience to attend the aforesaid petition at Vadodara and therefore they have filed the present application. Learned counsel for the applicants pointed out that for this purpose Motor Vehicles Act, 1988 has been amended by inserting provisions of Section 162 (2) in the Act itself. As per Section 162 (2) of the Motor Vehicles Act, 1988, every application under Sub-section *1) shall be made, at the option of the claimant, either to the Claims Tribunal having jurisdiction over the area in which the accident occurred, or to the Claims Tribunal within the local limits of whose jurisdiction the claimant resides or carries on business or within the local limits of whose jurisdiction the defendant resides. But that amendment came into force with effect from 14-11-1994. The claimants - applicants filed aforesaid claim petition in the year 1991. However, the amendment is not to be looked into at this stage but in the interest of justice and for the facility, convenience and feasibility of the applicants, aforesaid petition is required to be transferred as prayed for by the applicants in the interest of justice.

3. In the facts and circumstances of the case and with the object of the provisions of Section 162 (2) of the Motor Vehicles Act, the present application is allowed and Motor Accident Claims Petition No. 756 of 1991 pending before Motor Accident Claims Tribunal, Vadodara is ordered to be transferred to Motor Accident Claims Tribunal, Bharuch, for hearing and final disposal. Rule is made absolute, with no order as to costs. D.S. is permitted.

(Kundan Singh, J.)

/JVSatwara/